

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

TREVON R. KIRKLAND,  
  
Petitioner,  
  
v.  
  
DIAZ,  
  
Respondent.

No. 2:20-CV-0748-JAM-DMC-P

**ORDER**

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the Court are petitioner's: (1) motion to appoint counsel (ECF No. 16); and (2) motion for transcripts and case related materials (ECF No. 17). Also pending before the Court is respondent's Motion to Dismiss (ECF No. 12).

As regards petitioner's motion for appointed counsel, there currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel. Therefore, petitioner's motion for appointed counsel shall be denied.

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1 As regards petitioner's motion for transcripts and care related materials, the  
2 Court notes that petitioner's motion is simply a hand-modified state-court form for copies of  
3 court documents as they relate to his underlying criminal proceedings. See ECF No. 17.  
4 Therefore, petitioner's motion will be denied without prejudice to seeking documents from  
5 the appropriate state court.

6 In light of the above, on the Court's own motion petitioner will be afforded  
7 additional time to respond to the pending Motion to Dismiss.

8 Accordingly, IT IS HEREBY ORDERED that;

- 9 1. Petitioner's motion for appointment of counsel (ECF No. 16) is denied;
- 10 2. Petitioner's motion for transcripts (ECF No. 17) is denied; and
- 11 3. Petitioner may file an opposition to respondent's motion to dismiss (ECF  
12 No. 12) within 30 days of the date of this order.

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14 Dated: August 3, 2020



15 DENNIS M. COTA  
16 UNITED STATES MAGISTRATE JUDGE  
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